



## Statement of Basis

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**V. RECEIVING WATERS:**

The discharge is into a parish drainage ditch, thence into Bayou Goudine in segment 040404 of the Lake Pontchartrain Basin. This segment is not listed on the 303(d) list of impaired waterbodies.

The designated uses and degree of support for Segment 040404 of the Lake Pontchartrain Basin are as indicated in the table below<sup>1/</sup>:

Degree of Support of Each Use						
Primary Contact Recreation	Secondary Contact Recreation	Propagation of Fish & Wildlife	Outstanding Natural Resource Water	Drinking Water Supply	Shell fish Propagation	Agriculture
Not Supported	Not Supported	Not Supported	N/A	N/A	N/A	N/A

<sup>1/</sup>The designated uses and degree of support for Segment 040404 of the Lake Pontchartrain Basin are as indicated in LAC 33:IX.1123.C.3, Table (3) and the 2006 Water Quality Management Plan, Water Quality Inventory Integrated Report, Appendix A, respectively.

**VI. ENDANGERED SPECIES:**

The receiving waterbody, Subsegment 040404 of the Lake Pontchartrain Basin, is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U. S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated November 24, 2009 from Rieck (FWS) to Nolan (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. It was determined that the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat.

**VII. HISTORIC SITES:**

The discharge is from an existing facility location, which does not include an expansion beyond the existing perimeter. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the 'Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits' no consultation with the Louisiana State Historic Preservation Officer is required.

**VIII. PUBLIC NOTICE:**

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

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For additional information, contact:

Ms. Rachel Davis  
 Water Permits Division  
 Department of Environmental Quality  
 Office of Environmental Services  
 P. O. Box 4313  
 Baton Rouge, Louisiana 70821-4313

**IX. PROPOSED PERMIT LIMITS:****Final Effluent Limits:**

Subsegment 040404, New River- Headwaters to New River Canal, is listed on LDEQ's Final 2006 303(d) List as impaired for organic enrichment/low DO and pathogen indicators. To date no TMDLs have been completed for this waterbody. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by a TMDL.

**Pathogen Indicators**

To protect the receiving waterbody against high levels of pathogenic organisms, fecal coliform limitations have been established in the permit.

**Organic enrichment/ low DO**

To protect against the potential for oxygen consuming pollutants that could cause instream DO problems and for the discharge of organic materials at levels exceeding state water quality standards, CBOD<sub>5</sub> limitations have been established in the permit. Also, an ammonia-nitrogen report parameter has been placed in the permit to monitor for DO problems.

**OUTFALL 001**

Final limits shall become effective on the effective date of the permit and expire on the expiration date of the permit.

<b>Effluent Characteristic</b>	<b>Monthly Avg. (lbs./day)</b>	<b>Monthly Avg.</b>	<b>Daily Max.</b>	<b>Basis</b>
CBOD <sub>5</sub>	11.3	10 mg/l	15 mg/l	Limits are set in accordance with the Statewide Sanitary Effluent Limitations Policy (SSELP) for facilities of this treatment type and size.
TSS	17.0	15 mg/l	23 mg/l	Since there is no numeric water quality criterion for TSS, and in accordance with the current Water Quality Management Plan, the TSS effluent limitations shall be based on a case-by-case evaluation of the treatment technology being utilized at a facility. Therefore, a Technology Based Limit has been established through Best Professional Judgement for the type of treatment technology utilized at this facility.

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Effluent Characteristic	Monthly Avg. (lbs./day)	Monthly Avg.	Daily Max.	Basis
Ammonia-Nitrogen	Report	Report	Report	Because the receiving waterbody is impaired for organic enrichment/low DO "Report" for ammonia is proposed for data gathering purposes.

\*Concentration limits are used in accordance with LAC 33:IX.2709.F.1.b which states that mass limitations are not necessary when applicable standards and limitations are expressed in other units of measurement. LAC 33:IX.709.B references LAC 33:IX.711 which express BOD<sub>5</sub> and TSS in terms of concentration.

**Other Effluent Limitations:****1) Fecal Coliform**

The discharge from this facility is into a water body which has a designated use of Primary Contact Recreation. According to LAC 33:IX.1113.C.5., the fecal coliform standards for this water body are 200/100 ml and 400/100 ml. Therefore, the limits of 200/100 ml (Monthly Average) and 400/100 ml (Daily Maximum) are proposed as Fecal Coliform limits in the permit. These limits are being proposed through Best Professional Judgement in order to ensure that the water body standards are not exceeded, and due to the fact that existing facilities have demonstrated an ability to comply with these limitations using present available technology.

**2) pH**

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units at any time. (Limits as established through BPJ considering BCT for similar waste streams in accordance with LAC 33:IX.5905.C)

**3) Solids and Foam**

There shall be no discharge of floating solids or visible foam in other than trace amounts in accordance with LAC 33:IX.1113.B.7.

**X. PREVIOUS PERMITS:**

**LPDES Permit No. LA0078557:** Issued: January 1, 2004  
Expired: December 31, 2009

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	<u>Monthly Avg.</u>	<u>Weekly Avg.</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow	Report	Report	Continuous	Recorder
CBOD <sub>5</sub>	10 mg/l	15 mg/l	1/week	Grab
TSS	15 mg/l	23 mg/l	1/week	Grab
Ammonia-Nitrogen	Report	Report	1/week	Grab
Fecal Coliform Colonies	200	400	1/week	Grab

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**XI. ENFORCEMENT AND SURVEILLANCE ACTIONS:**

**A) Inspections**

A review of the files indicates that no inspections have been performed at the facility in the past two years.

**B) Compliance and/or Administrative Orders**

A review of the files indicates that no compliance orders have been administered against the facility in the past two years.

**C) DMR Review**

A review of the discharge monitoring reports for the period beginning June 2007 through June 2009 has revealed the following violations:

Period of Excursion	Outfall	Parameter	Permit Limit	Reported Quantity
September 2007	001	TSS	15 mg/l	20.3 mg/l
		TSS	23 mg/l	30.5 mg/l
October 2007	001	TSS	15 mg/l	26 mg/l
		TSS	23 mg/l	40.8 mg/l
November 2007	001	CBOD	10 mg/l	52.66 mg/l
		CBOD	15 mg/l	152 mg/l
		TSS	15 mg/l	20.75 mg/l
		TSS	23 mg/l	27.9 mg/l
February 2008	001	TSS	15 mg/l	19.2 mg/l
		TSS	23 mg/l	26 mg/l
March 2008	001	TSS	15 mg/l	20.95 mg/l
		TSS	23 mg/l	31.6 mg/l
April 2008	001	CBOD	15 mg/l	18.3 mg/l
		TSS	15 mg/l	17.24 mg/l
		TSS	23 mg/l	25.4 mg/l
June 2008	001	CBOD	10 mg/l	16.8 mg/l
		CBOD	15 mg/l	30.2 mg/l
July 2008	001	TSS	23 mg/l	32 mg/l
November 2008	001	CBOD	10 mg/l	13.25 mg/l
		CBOD	15 mg/l	27 mg/l
December 2008	001	CBOD	10 mg/l	13.25 mg/l
		CBOD	15 mg/l	27 mg/l
January 2009	001	CBOD	10 mg/l	24.5 mg/l
		CBOD	15 mg/l	37 mg/l
February 2009	001	CBOD	10 mg/l	12.5 mg/l
		CBOD	15 mg/l	26 mg/l
March 2009	001	CBOD	10 mg/l	20.25 mg/l
		CBOD	15 mg/l	57 mg/l
April 2009	001	CBOD	15 mg/l	22 mg/l
June 2009	001	CBOD	15 mg/l	16.3 mg/l

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**XII. ADDITIONAL INFORMATION:**

The Louisiana Department of Environmental Quality (LDEQ) reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as requested by the permittee and/or as necessary to achieve compliance with water quality standards. Therefore, prior to upgrading or expanding this facility, the permittee should contact the Department to determine the status of the work being done to establish future effluent limitations and additional permit conditions.

This permit may be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitations issued or approved under sections 301(b)(2)(C) and (D); 304(b)(2); and 307(a)(2) of the Clean Water Act or more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional water quality studies and/or TMDL's, if the effluent standard, limitations, water quality studies or TMDL's so issued or approved

- a) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit, or
- b) Controls any pollutant not limited in the permit; or
- c) Requires reassessment due to change in 303(d) status of waterbody; or
- d) Incorporates the results of any total maximum daily load allocation, which may be approved for the receiving water body.

Please be aware that the Department has the authority to reduce monitoring frequencies when a permittee demonstrates two or more consecutive years of permit compliance. Monitoring frequencies established in LPDES permits are based on a number of factors, including but not limited to, the size of the discharge, the type of wastewater being discharged, the specific operations at the facility, past compliance history, similar facilities and best professional judgment of the reviewer. We encourage and invite each permittee to institute positive measures to ensure continued compliance with the LPDES permit, thereby qualifying for reduced monitoring frequencies upon permit reissuance. If the Department can be of any assistance in this area, please do not hesitate to contact us. As a reminder, the Department will also consider an increase in monitoring frequency upon permit reissuance when the permittee demonstrates continued non-compliance.

Final effluent loadings (i.e. lbs/day) have been established based upon the permit limit concentrations and the design capacity of 0.136 MGD.

Effluent loadings are calculated using the following example:

$$\text{BOD: } 8.34 \text{ lb/gal} \times 0.136 \text{ MGD} \times 10 \text{ mg/l} = 11.3 \text{ lb/day}$$

At present, the **Monitoring Requirements, Sample Types, and Frequency of Sampling** shall remain the same as previously permitted:

Effluent CharacteristicsMonitoring Requirements

	<u>Measurement</u>	<u>Sample</u>
	<u>Frequency</u>	<u>Type</u>
Flow	Continuous	Recorder
CBOD <sub>5</sub>	1/week	Grab
Total Suspended Solids	1/week	Grab
Ammonia-Nitrogen	1/week	Grab
Fecal Coliform Bacteria	1/week	Grab
pH	1/week	Grab

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**XIII. TENTATIVE DETERMINATION:**

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to reissue a permit for the discharge described in this Statement of Basis.

**XIV. REFERENCES:**

Louisiana Water Quality Management Plan / Continuing Planning Process, Vol. 8, "Wasteload Allocations / Total Maximum Daily Loads and Effluent Limitations Policy," Louisiana Department of Environmental Quality, 2005.

Louisiana Water Quality Management Plan / Continuing Planning Process, Vol. 5, "Water Quality Inventory Section 305(b) Report," Louisiana Department of Environmental Quality, 1998.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Chapter 11 - "Louisiana Surface Water Quality Standards," Louisiana Department of Environmental Quality, 2004.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Subpart 2 - "The LPDES Program," Louisiana Department of Environmental Quality, 2004.

Low-Flow Characteristics of Louisiana Streams, Water Resources Technical Report No. 22, United States Department of the Interior, Geological Survey, 1980.

Index to Surface Water Data in Louisiana, Water Resources Basic Records Report No. 17, United States Department of the Interior, Geological Survey, 1989.

LPDES Permit Application to Discharge Wastewater, Wastewater Treatment Utilities, Inc, Bayou Grand, October 9, 2009.